

Exhibit 1

S.L., ET AL. vs COUNTY OF RIVERSIDE, ET AL.
Jimmie McGuire on 12/20/2024

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

3

4 S.L., a minor by and through the)
Guardian Ad Litem Kristine Llamas)
5 Leyva, individually and as successor-)
in-interest to JOHNNY RAY LLAMAS,)
6 deceased; V.L., by and through the)
Guardian Ad Litem Amber Snetsinger,)
7 individually and as successor-in)
interest to JOHNNY RAY LLAMAS,)
8 deceased; and CAROLYN CAMPBELL,)
individually,)

9

Plaintiffs,)

10

vs.)

11

COUNTY OF RIVERSIDE; and DOES 1-10,)
12 inclusive,)

13

Defendants.)

14

15

16

REMOTE VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

17

JIMMIE MCGUIRE

18

FRIDAY, DECEMBER 20, 2024

19

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Reported Stenographically By:

24

Jinna Grace Kim, CSR No. 14151

25

Job No.: 125233

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1 you fired three shots at that time?

2 A. Correct, sir.

3 Q. Was it -- what weapon did you fire those shots
4 from?

5 A. From my duty rifle and four rifle, sir.

6 Q. Was that a 556?

7 A. 223, sir.

8 Q. How about the rifle that you fired from in this
9 case?

10 A. Same rifle, sir.

11 Q. And the shooting on the 215 Freeway, was that the
12 June shooting or the December shooting?

13 A. June, sir.

14 Q. And the December shooting, did you fire from the
15 same weapon, also?

16 A. Correct, sir.

17 Q. How many shots in that case?

18 A. 20, sir.

19 Q. And in the case we're here to talk about, how many
20 shots total, if you know?

21 A. Seven, sir.

22 Q. Do you believe that you fired three rounds in the
23 first volley and four rounds in the second volley in this
24 case?

25 A. To my knowledge, that's correct, sir.

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1 Q. Do you have an estimate as to how much time passed
2 in between the two volleys in this case?

3 A. Approximately six seconds.

4 Q. Is that something you estimated or timed just from
5 reviewing it?

6 A. My estimate was six to ten, and when I viewed it I
7 confirmed it was about six to seven seconds, approximately.

8 Q. And when you reviewed it, could you also make out
9 the number of shots? Did it seem consistent with the three
10 in the first volley and the four in the second volley?

11 A. That's correct.

12 Q. Do you have an estimate of the distance you were
13 from the -- and I'm talking, again, back in this case, the
14 distance you were from the individual when you fired your
15 first volley of shots?

16 A. Yes, sir. Approximately 40 to 50 yards.

17 Q. So just doing some simple math, a 120 to 150 feet?

18 A. That's correct.

19 Q. And were you at about the same distance from the
20 individual when you fired the second volley of shots?

21 A. I was approximately five yards closer.

22 So I would estimate approximately 35 to 45 yards,
23 sir.

24 Q. For the second volley?

25 A. Correct.

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1 Q. Was there any litigation, if you know, with either
2 of your prior shootings?

3 MR. RAMIREZ: I'll object as to relevance. It may
4 invade his personnel privileges, but you may without waiving
5 those, you may answer.

6 THE WITNESS: No, sir. There were no -- you know
7 what, can you rephrase the question?

8 I want to make sure I'm saying the right yes or no.
9 BY MR. GALIPO:

10 Q. Okay. Of course.

11 Do you know if any law -- civil lawsuits were filed
12 related to your first two shootings?

13 A. No, sir. There were zero.

14 Q. To your knowledge, is this the first time that a
15 civil lawsuit has been filed related to one of your
16 shootings?

17 A. To my knowledge, yes, sir.

18 Q. The weapon that you were firing, was it in a
19 semiautomatic mode?

20 A. That's correct, sir.

21 Q. And would that weapon -- would you need to press the
22 trigger for each shot?

23 A. Correct, sir.

24 Q. Did you yourself give any commands to Mr. Llamas in
25 the ten seconds before the first volley?

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1 A. That first volley I did not.

2 I believe Lieutenant Walsh did.

3 Q. Did you give any verbal warning that you were going
4 to use deadly force?

5 A. I think for about three hours there were verbal
6 warnings from Star 9, our BearCat, our units, as well as K-9
7 announcements and surrender announcements.

8 So I was well aware that announcements had been
9 given for a long period of time, sir.

10 Q. I'm just wondering whether you, yourself, gave any
11 verbal warning that you were going to use deadly force.

12 A. No, sir. At that time I don't feel like it was
13 feasible due to circumstances and time of the situation.

14 Q. Where was Mr. Llamas when you first saw him?

15 A. He was approximately 40 yards to the west of my
16 location. I was parked facing eastbound on River Road, and I
17 would be facing the driveway that he walked out onto for --
18 when he walked out onto River Road, the driveway that he came
19 from.

20 Q. And what, if anything, did he appear to be doing
21 when you saw him at that point?

22 A. He appeared to be doing two things.

23 Number one, he had a firearm pointed to his head,
24 and number two, he was looking left and right, left and
25 right, which from my training and experience shows me that he

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1 to that time, had you seen suspects with guns in their hand
2 before?

3 A. I have a good amount of times. Yes, sir.

4 Q. Can you give me an estimate, even a range of how
5 many times you've seen a suspect with a gun in their hand
6 before?

7 A. Less than ten.

8 Q. Would you be comfortable somewhere between five and
9 ten?

10 A. Yes, sir.

11 Q. Were you trained that you can shoot someone merely
12 for seeing a gun in their hand, that fact alone?

13 A. No, sir. In fact, I've been in a situation on EST
14 where I had a subject who is wanted felon for a violent
15 felony crime against his significant other, and he was
16 driving his vehicle five miles an hour with a gun pointed to
17 his head, and I was on top of our armored vehicle.

18 I was the -- I was assigned to my lethal -- the
19 lethal option for that scenario, and he drove for about 30
20 seconds in front of us, 15 feet from me because we were right
21 next to him on the vehicle, and the gun was to his head the
22 whole time.

23 He never oriented the gun to me or anyone else, and
24 I did not fire or shoot in that situation. So yes. I'm
25 trained that and been in that situation in the real world.

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1 Q. And if you know, were there any other officers
2 nearby?

3 When I say nearby, that you could actually see?

4 A. Lieutenant Walsh to my left and Sergeant Hubacheck,
5 Shawn Hubacheck was to my left as well.

6 Q. At some point did Mr. Llamas go out of your view?

7 A. Yes, sir.

8 Q. And was he essentially running northbound at that
9 point?

10 A. Correct.

11 Q. And when he started running northbound, did he go
12 out of your view?

13 A. For a brief moment in time, yes, he did.

14 Q. Can you tell me approximately for how long he went
15 out of your view?

16 A. From the time that it took Sergeant Hubacheck and I
17 to run to the mouth of that driveway. So less than ten
18 seconds.

19 Q. When he went out of your view, meaning, Mr. Llamas,
20 running north, you and the sergeant decided so run to the
21 mouth of the driveway; is that a fair statement?

22 A. That's correct.

23 Q. And you're approximating it took you about ten
24 seconds to get there?

25 A. I would guess less -- or sorry.

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1 I would estimate less than.

2 Q. Okay. I always get nervous when you say guess, so
3 estimate is good.

4 And how far of a distance did you have to run to get
5 to the mouth of the driveway?

6 A. It was approximately 35 to 40 yards.

7 Q. And is that when Mr. Llamas came into your view
8 again?

9 A. Yes, sir.

10 Q. Shortly after getting to the driveway?

11 A. Correct.

12 Q. Were you ware at some point that the lieutenant had
13 pulled his car up?

14 MR. RAMIREZ: Objection. Vague and ambiguous as to
15 time.

16 If you understand, you may respond.

17 BY MR. GALIPO:

18 Q. Yeah. Any point in time.

19 It could have been before the shooting or after the
20 shooting, but at some point did you become aware of that?

21 A. I was aware of that, yes.

22 Q. When did you first become aware of that?

23 A. I was behind my driver door for cover as well as
24 Lieutenant Walsh, and when Llamas went out of sight, he was
25 running towards an occupied dwelling, and I knew for a fact

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1 it was occupied, a third-party residents, two older men
2 around the porch when I got to the scene earlier in the day
3 at 4:45, 5:00.

4 So when Llamas took off running that way, I knew
5 that I needed to sacrifice my safety because Walsh,
6 Lieutenant Walsh said, "Hey, let's pull our --" in less
7 words, he said, "I'm going to pull my truck up for cover,"
8 and Sergeant Hubacheck and I didn't feel like we had the
9 ability to use cover at that time. We needed to sacrifice
10 our safety and run to the driveway to get eyes back on Llamas
11 or reassess what his actions were at the time.

12 So yes. I was aware that vehicle was moving up for
13 cover, but I chose to sacrifice that safety and move up to
14 the mouth of the driveway.

15 Q. Let me just follow up on a few things that you said.

16 The -- I think you referenced two men on a porch?

17 A. That's correct, sir.

18 Q. It sounds like you saw them earlier in the day?

19 A. I did see them earlier in the day, and I did point
20 that out to the Lieutenant Walsh that the blue house at that
21 driveway was occupied. That's where I first arrived on-scene
22 to start getting the tactical plan. And then I arrived where
23 Llamas came out of the bushes prior to Sergeant Hubacheck or
24 Lieutenant Walsh, and according to the radio traffic Star 9
25 put out, Llamas wasn't close to the road yet, but he was

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1 coming towards River Road. So had a brief moment of time to
2 do a 360, get some intel and make a tactical plan of my
3 surroundings.

4 During that time I saw two shadows under a carport
5 from my location which is where that house was where I've
6 seen two older gentlemen earlier in the day knowing that that
7 was an occupied dwelling. So I knew that they were still at
8 the house if that makes sense.

9 Q. I'm just trying to figure out how much earlier in
10 the day did you see them there.

11 A. I saw them around 1700. So whenever I had gone on
12 scene, I'm guessing -- sorry -- estimating 1700 hours.

13 I saw them in broad daylight two elderly white male
14 adults on a porch of that property, and then in the minute
15 that you're saying I saw Llamas that we're estimating I saw
16 Llamas coming out on the River Road, about ten seconds or 20
17 seconds before Llamas broke the tree line to get on the River
18 Road, I saw the shadows of two adult looking individuals at
19 that same property, the blue house that I speak of, that
20 driveway where Llamas was shot, there were two individuals
21 under the carport kind of doing the lookie-loo thing that I
22 could see their shadows under the carport near the vehicles
23 of that house.

24 So 30 seconds before the shooting with Llamas, I was
25 aware that there where were still humans, not sure if they

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1 were the same gentlemen or not, but adult humans at that
2 property.

3 Q. What time was it about when you saw Mr. Llamas for
4 that first approximate minute?

5 A. I honestly have no idea what the time stamp on that
6 would be, sir.

7 Q. So if you first saw the two men at 5 o'clock, I'm
8 just trying to figure out, was it an hour later, two hours
9 later that you see Llamas?

10 I'm just trying to get some estimate.

11 A. Approximately two hours. And my original 5 o'clock,
12 the time stamp could be off on that. When I first landed
13 on-scene it's available on evidence under the CAD call,
14 whatever time that is, that's when I saw the two gentlemen.

15 Outside of that, I would say two to three hours
16 transpired between when I saw them originally and when I
17 located Llamas with the gun to his head.

18 Q. Did you take any steps to try to evacuate those
19 gentlemen from their home?

20 A. The terrain did not allow or dictate me to do that.

21 Q. Did -- sorry.

22 A. No. That's it. Yes, sir.

23 Q. Did you talk about that with everyone, anybody, the
24 possibility of whether we should evacuate these people?

25 A. We did not.

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1 Q. And then the two shadows that you saw, did you share
2 that with anyone when you saw them?

3 A. The second time I saw them, no.

4 The first time I saw them, yes. I shared that with
5 Lieutenant Walsh who helped make the tactical plan for the
6 day.

7 Q. Okay. He was the supervisor on-scene?

8 A. Correct, sir.

9 Q. So then the other part of what you said, you heard
10 Lieutenant Walsh say that he was going to pull his vehicle
11 forward for cover?

12 A. Yes.

13 Q. And did you actually see or hear the vehicle
14 moving?

15 A. Yes. I was standing next to the door when he
16 started to drive forward.

17 Q. So was it your impression that as you and sergeant
18 was running to the mouth of the driveway, the Lieutenant's
19 vehicle was close behind you?

20 A. I'm not sure of the exact location. I knew he was
21 heading to where I ran to, but I wasn't sure of the exact
22 location of his unit or his vehicle.

23 Q. Did you ever look to see and where it was just to
24 see if he had the option to take cover before moving
25 forward?

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1 Q. And so would you have generally been looking north
2 when you, again, acquired a visual on Mr. Llamas?

3 A. Yes, sir.

4 Q. And do you recall when you initially saw Mr. Llamas
5 where the sergeant was in relation to you?

6 A. He was off to my left approximately five feet.

7 Q. Did you have an understanding or appreciation where
8 the lieutenant was?

9 A. I knew he was driving his vehicle up, and then at
10 some point he was off to my right shoulder.

11 Q. Would it be fair to say that all three of you at
12 some point were near each other on the driveway?

13 A. Yes, sir.

14 Q. And then when you reacquired a visual on Mr. Llamas,
15 would he have been moving to your right to left?

16 A. That would be east to west. He was running south to
17 north, and then he started to veer to the west.

18 So northwest if that makes sense.

19 Q. Let me break it down a little bit.

20 I'm trying to -- I'm remembering what the sergeant
21 said on Wednesday, and I don't want to get confused. I want
22 to get your recollection independently of the sergeant's.

23 When you regained a visual on Mr. Llamas, was he
24 stationary, walking, running, or any words you want to use.

25 A. He was sprinting.

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1 Q. And were you looking generally north at that time?

2 A. That's correct.

3 Q. And which direction was Mr. Llamas sprinting when
4 you regained a visual on him?

5 A. South to north, but he was drifting to the west.

6 Q. Were you initially looking at his back?

7 A. Initially, I saw his back, and then I saw him turn
8 towards me. So I could see left profile of his face, and
9 then he turned again with firearm not at his head anymore,
10 and I could see full left profile of his body and the side of
11 the firearm orienting towards myself, Sergeant Hubacheck,
12 Lieutenant Walsh, and all the deputies that were two to three
13 hundred yards behind us working on K-9 Rudy who had lethal
14 wound. So they were all behind us where Llamas was first
15 initially spotted.

16 Q. Okay. Let me try to break that down a little bit.

17 A. Yes, sir.

18 Q. When you initially saw Mr. Llamas running from south
19 to north when you reacquired him in the driveway, how far was
20 he from you, approximately?

21 A. 25 yards, sir, approximately.

22 Q. How many? I'm sorry. You broke up.

23 A. 25, approximately.

24 Q. 25, thank you. And when he was running from south
25 to north, was he increasing the distance for some time?

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1 look and the second?

2 A. You know what, counting off in my head, I would
3 estimate probably between two and five seconds, but closer to
4 two to three seconds, and that's a complete estimate.

5 Q. And how about the distance separate from the time?

6 It started out at 25 yards at the first look.

7 What would you estimate the distance at the second
8 look?

9 A. 40 to 50 yards, sir.

10 Q. So there is a portion of your statement that I'm
11 sure you've reviewed recently, and if you want I can show it
12 to you.

13 MR. GALIPO: Maybe, Shannon, can we put the bottom
14 of Page 16 up for the deputy so he can see this portion of
15 his statement.

16 BY MR. GALIPO:

17 Q. Before we do that, where was the -- this house that
18 you referred to earlier where you saw the gentlemen earlier
19 and the shadows, where was that in relation to Mr. Llamas
20 just before the first volley of shots occur?

21 A. Before -- before the first volley of shots, it was
22 like at the first volley, or before the first volley?

23 Q. Let's say at the first volley.

24 A. Okay. The house was approximately 15 yards directly
25 east. So the driveway comes up, has a circle drive, and then

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1 on the east side of that circle kind of roundabout, it's all
2 DG pack like the DG gravel. On the -- on the east side or
3 looking north the left side of that driveway is the blue
4 house set off at a 45-degree angle.

5 Q. Are you still looking north from your position?

6 A. Correct.

7 Q. And at just before the second volley, is Mr. Llamas
8 running still, or is he walking, or doing something else?

9 A. He is -- before the second volley --

10 Q. No. Before the -- I misspoke. I'm sorry.

11 Immediately before the first volley when he gained
12 this distance to 40 or 50 yards, is he still sprinting, or
13 does he slow down at some point?

14 A. He slows down enough that I could see him turning
15 his body about 90 degrees. He is starting to turn to 180,
16 and the gun now broke off of his head meaning that he removed
17 the firearm from his head, and it's near his left arm or
18 shoulder, and it's orienting in our direction.

19 So it's orients towards house, passed the house, and
20 it starts to come in myself, Sergeant Hubacheck, and
21 Lieutenant Walsh's direction, but it's not at his head
22 anymore. It's now starting to point towards us so much so
23 that with my three time magnifier, I could start to see the
24 opening of the barrel of the firearm because there's a silver
25 firearm. So the barrel looks black if that makes sense.

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1 Q. So --

2 A. You can see the barrel stood out on the -- on the
3 pistol.

4 Q. So right before he made that movement, were you
5 looking for at his back?

6 A. Before he started to spin towards myself, Sergeant
7 Hubacheck, and Lieutenant Walsh, that's correct. He was
8 running away. He had given us a 90-degree turn once, give or
9 take, 90 degrees estimation, and then he continued another
10 20-ish yards estimating, and then he started do that same
11 orientation, but the gun was at his -- at his head this time.
12 It had come off his head and was more chest level orienting
13 towards us.

14 Q. But right before he made that second movement that
15 you're describing, he would have been generally facing
16 northbound?

17 A. He was running northbound favoring to the west.

18 Q. Okay.

19 A. Drifting to the west.

20 Q. Okay. And then where -- where would the house be in
21 relation to --

22 A. Directly east. If he were to cut -- so directly
23 east -- sorry, forgive me -- directly west of his location.

24 Q. Okay. That's where I got confused --

25 A. I think -- I think misspoke earlier and said east.

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1 So 20 minutes later -- I apologize.

2 The house was west of where Llamas.

3 Q. Okay. That helps me because when you said east,
4 that confused me a little bit.

5 But it would be west; is that correct?

6 A. Yes, sir, Dale. My apologies.

7 Q. That's okay. It doesn't take much for me to get
8 confused, so I appreciate that --

9 MR. RAMIREZ: -- started. Go ahead.

10 BY MR. GALIPO:

11 Q. So as he is moving north, the house would be to his
12 west which would be to his left.

13 Do I have that generally correct?

14 A. That's correct, sir.

15 Q. And you and the other officers would have been to
16 the south?

17 A. Correct, sir.

18 Q. So I just want to show you one portion of your
19 statement, and then we'll take our first break.

20 MR. GALIPO: Can we put the bottom of Page 16 up,
21 please.

22 BY MR. GALIPO:

23 Q. Just take a moment. First of all, can you see that
24 on your screen, and do you need it to be enlarged a little
25 bit --

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1 BY MR. GALIPO:

2 Q. That a yes?

3 A. That was a yes. Sorry.

4 Q. That's okay.

5 A. -- talking.

6 Q. And then you say as he spun, the gun went towards
7 the house.

8 Do you see that?

9 A. I do see that.

10 Q. And did you see the gun go towards the house at some
11 point?

12 A. Well, it would have had to because Line 40 when he
13 continued to spin, it like I don't know, in our world
14 flagging means the gun like flagged by something, like it put
15 something in danger of that gun if it had gone off, not
16 meaning that he was going to shoot at the house, just in
17 general.

18 So as he did that, the house was flagged, and then
19 he continued pass the house towards us, and I think that's
20 where Line 39 and 40 kind of pick up. So yes, I see where
21 you're saying.

22 Q. Okay. I'm still on Line -- so the gun went towards
23 the house. You then say he is looking at the house again
24 where the gentlemen are, and now he is starting to turn
25 towards myself and my two partners Lieutenant Walsh and

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1 Sergeant Hubacheck, and that's when I engaged approximately
2 three rounds.

3 Do you see that?

4 A. I do, yes, sir.

5 Q. And the three rounds you're talking about is the
6 first volley of shots?

7 A. Correct, sir.

8 Q. In this portion of your statement, do you ever say
9 that the gun was coming in your direction specifically?

10 A. I guess in theory, I don't, but that's what I
11 meant.

12 Q. Okay. Did you ever say at this portion of you're
13 statement that you could see the barrel of the gun?

14 A. Somewhere later in the report, to my knowledge.

15 Q. I'm just --

16 A. Right here, no, it's not. I'm sorry.

17 No, it's not, sir.

18 Q. And when you reviewed the FLIR video from the
19 airship, do you -- can you see in looking at that the gun
20 pointed towards the house just before the first volley of
21 shots?

22 A. I don't know if you reviewed the FLIR footage, but
23 at that point Star 9 zooms out pretty far. So to me it does
24 look like the gun is orienting from the house towards my
25 position, but like I said, the FLIR zoomed out about ten or

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1 20 power. So it's very hard to make that out at that moment.

2 You can see his body orienting in our way, but it's
3 so far zoomed out that it's hard to see where the gun is
4 exactly oriented from Star 9's angle and the FLIR footage.

5 Q. And then my follow-up question is whether you could
6 see the gun coming in your direction in the FLIR footage
7 before the first volley, before the first volley of shots.

8 A. From the television I viewed the Star 9 footage on,
9 it's hard to tell exactly where the gun is, but you can see
10 it starting to orient towards my location.

11 Q. Based on your training and experience as of that
12 time, did you think it was appropriate to shoot Mr. Llamas
13 when you first saw him when he had the gun to his head?

14 A. I saw him for a minute and a half and never shot,
15 sir. So the answer to that is no.

16 Q. And did you think it was appropriate to shoot him
17 when he started running away initially?

18 A. Just for running away at that time, no.

19 Q. And then when you saw him initially in the driveway
20 moving north initially before the second time he looked in
21 your direction and turned, did you think it was appropriate
22 to shoot him?

23 A. He was a fleeing felon for a multiple violent crimes
24 with multiple victims including sexual assault on a minor
25 which was his family member with violence and force as well

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1 as armed robbery where he pistol-whipped the suspect who
2 needed to go to the hospital for great bodily injury.

3 So I knew he was a fleeing felon. He had the
4 ability, the intent, and the opportunity to do harm to
5 others. So at that moment in time, it was something that
6 crossed my head telling myself, man, I hope I don't have to
7 shoot at this guy if he doesn't orient his gun in my
8 direction which in my report it states that.

9 And then it says approximately two seconds later
10 from that thought crossing my brain, his gun started to
11 orient in my direction.

12 MR. GALIPO: Okay. We can take that down, Shannon.

13 BY MR. GALIPO:

14 Q. So are you saying that you were considering shooting
15 him even before the gun started orienting in your
16 direction?

17 A. I wouldn't use the word considering.

18 In what we do, we always have a tactical checklist
19 of how we need to solve a problem with the least amount of
20 force necessary in order to keep myself, my partners, and
21 other civilians safe from harm or death or serious bodily
22 injury.

23 So at that moment it was something -- a checklist
24 that had gone through my brain, what if this happens, what if
25 this happens. As a tactical operator, we're constantly

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1 thinking what if this happens, what if that happens.

2 At the moment it's something that went through my
3 mind. It's in my report, that's correct. We train that all
4 the time. Our bread and butter is hostage rescue, so we do
5 train that. But at the moment in time with Llamas, that
6 wasn't the case Even though that thought had crossed through
7 my head, he started to turn his body orienting towards me
8 with a firearm and towards my partners as well as the
9 partners 300 yards behind us that were still working on Rudy
10 after Rudy was shot.

11 Q. So you're saying that you -- when you had this
12 checklist in your head, did you check it yes or no in regards
13 to --

14 A. No, that's not how -- I'm sorry to interrupt you,
15 Dale. That's not how it works. It's not a yes or no thing.
16 It -- it operates in theory that that could happen, and if it
17 did happen, that that would be a really hard incident for us
18 to solve. So as I said, it's just like -- it's like the
19 stock market spins across the -- it's like a bar where all
20 the Dow Jones spins across the market for the day.

21 It's just something that our brains are trained to
22 do and try to see how this situations is going to unfold if
23 that makes sense.

24 Q. Let me just ask -- it does.

25 Let me just ask you this last question, and then

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1 we'll take our break.

2 MR. GALIPO: I'm sorry it went so long, Jinna.

3 BY MR. GALIPO:

4 Q. If he had not turned towards you or oriented the gun
5 towards your partners, would you have fired?

6 MR. RAMIREZ: Calls for speculation; lacks
7 foundation; assumes facts not in evidence.

8 But you can answer if you know.

9 THE WITNESS: From my training and experience in my
10 incidents, Dale, I do not think I would have fired. I think
11 would have sprinted towards him putting my safety even
12 further trying to close the gap from him getting to that
13 house 15 yards away if that was the path he chose which was
14 the last path there was, I would have sprinted and put myself
15 in even more jeopardy and closed the gap trying to see if we
16 can get him to surrender peacefully without using force.

17 Q. Okay. All right. Thank you for that.

18 MR. GALIPO: Is this a good time for a ten-minute
19 break?

20 I can take longer, Jinna, if you want.

21 COURT REPORTER: No, that's okay.

22 MR. GALIPO: Okay. So how about ten minutes.

23 Does that sound good, Gene?

24 MR. RAMIREZ: That sounds good.

25 And then you should have the Star 9 video.

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1 MR. GALIPO: Okay. Thank you so much, Gene.

2 MR. RAMIREZ: Thank you.

3 THE VIDEOGRAPHER: And off the record at 2:44 p.m.

4 (Recess taken.)

5 THE VIDEOGRAPHER: And going back on the record at
6 2:59 p.m.

7 BY MR. GALIPO:

8 Q. Okay. So let's go back on the record.

9 When you fired your first volley of shots, was
10 Mr. Llamas still moving north?

11 A. His travel pattern was the same as I mentioned
12 earlier. North -- south to north, drifting to the west.

13 Q. And would you say he was still running during the
14 first volley?

15 A. I don't recall if he was -- he had gone between like
16 a -- I guess you would call it a trot, a sprint and a trot.
17 I don't remember at that time I think he had slowed
18 down a pinch to turn -- well, when he started to orient
19 towards myself, but I don't recall a 100 percent.

20 Q. So he would have either been running or trotting,
21 but still moving in the direction you indicated?

22 A. Correct. He hadn't stopped and surrendered at the
23 point.

24 Q. Did anyone as far as the tactical plan discuss that
25 if Mr. Llamas is seen running towards one of those houses,

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1 that he should be shot?

2 A. No.

3 Q. Did anyone tell you that at any time that if he runs
4 towards that house, we should shoot him?

5 A. No.

6 Q. Was that your mind frame at any time?

7 A. Never.

8 Q. And in terms of your -- the magnifier or the
9 magnification that you talked about earlier, was that
10 something that is customary with your weapon or something you
11 added?

12 A. We all have that capability. It's removable.
13 Some guys don't like it, some guys do. It works
14 great out in the open. It's not so good if you're clearing a
15 house. Some guys keep theirs off and put it on if they think
16 they need, and then some guys will keep it on and then take
17 it off if they don't want it. I choose the latter.

18 Q. And did you mention to anyone on-scene that you were
19 using your magnification?

20 A. That's not something we would ever mention with each
21 other. It's just --

22 Q. How about at -- I'm sorry. Go ahead.

23 A. Sorry. I was far back.

24 That's not something we would ever talk about
25 on-scene.

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1 and standing facing northbound or north to the north.

2 Q. Were you using your sights?

3 A. I was.

4 Q. And where were you aiming on Mr. Llamas' body from
5 your perspective during the first volley?

6 A. His torso.

7 Q. When you say his torso, you mean between his neck
8 and waist essentially?

9 A. Correct.

10 Q. And what part of his torso was exposed to you during
11 the first volley?

12 A. It would have been his left shoulder, left ribs, his
13 glutes were at an angle, his back was at an angle, he was
14 starting to orient his body this way. So it would have been
15 really between the time we engaged and the time we stopped on
16 the initial volley it would have been left torso, back
17 glutes, left shoulder.

18 Q. Was his buttocks exposed to you during the first
19 volley of shots?

20 A. At an angle, yes, it was.

21 Q. Did you observe any movement as you described his
22 rotation during the shots, or was that more observed before
23 the first shot?

24 A. I was focused on his -- he was rotating because I
25 could see the firearm through my magnification coming towards

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1 because he immediately went down to the ground?

2 A. He fell to the ground, yes.

3 Q. And you said about six or seven seconds expired
4 between the first volley and the second volley?

5 A. Correct.

6 Q. And you moved up, I think, you said about five
7 yards?

8 A. Approximately.

9 Q. So you estimated you were 35 to 45 yards from him
10 for the second volley, approximately?

11 A. Approximately.

12 Q. And what part of his body were you aiming at for the
13 second volley of shots?

14 A. His head.

15 Q. And what part of his head was oriented towards you
16 at that time?

17 Would it be the front, the side, the back, what
18 part?

19 A. His face, his eyes, mouth, nose, his whole front
20 side of his face.

21 Q. So you were attempting to strike him in the face
22 area essentially for the second volley?

23 A. Correct.

24 Q. And you said you were able to see a magnification to
25 some extent of his face before you fired the second volley?

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1 A. A few feet.

2 Q. And in what direction?

3 A. To the west.

4 Q. And just so we're clear, a little while ago, you
5 said the house to the east, but I think you meant the west.

6 A. That's correct. We clarified that.

7 You're right.

8 Q. Okay. And to your knowledge, are you the only one
9 who fired during the second volley?

10 A. Yes, sir.

11 Q. Do you have an understanding as to how many shots
12 the sergeant fired altogether?

13 A. I think just from charting and looking at documents,
14 it was one.

15 Q. And is it your understanding that was some time
16 during the first group of shots?

17 A. That's correct.

18 Q. You mentioned earlier that you had reviewed autopsy
19 report fairly carefully?

20 A. I reviewed it. I don't know how careful or detailed
21 you want to go, but yes, I have reviewed the autopsy
22 report.

23 Q. I don't want to go too detailed, but did you look to
24 see where he was shot?

25 A. I did, yes, sir.

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1 Q. And what is your understanding from reviewing the
2 report?

3 A. He was shot in the right upper glute.

4 Bullet traveled from the left to the right which
5 would correlate that initial volley From Sergeant Hubacheck
6 and myself as he's spinning towards us, you can still see the
7 top of his glutes, the left side of his shoulder and the rib
8 cage on the left and his left side of his head and eyes as
9 the gun is orienting towards us and aiming for the torso that
10 would make complete sense that the 223 round entered his
11 buttocks from the left traveling to the right side of his
12 right buttocks, and then the second shot looked like it
13 entered the left nostril and went back and into his brain at
14 some point.

15 Q. So your understanding he was struck by two shots?

16 A. That's correct.

17 Q. And your belief based on being there at the time and
18 reviewing the autopsy report is the shots to the buttocks
19 would have happened in the first volley?

20 A. That's my assumption.

21 Q. Based on what you already explained?

22 A. His buttocks was not facing my direction at the time
23 of the second volley. So my assumption is bullets can do
24 weird things, but my assumption is he was struck in the right
25 buttocks from left to right on the initial volley.

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1 Q. And then the second volley would be the shot to the
2 face, and I think you've already told us that's where you
3 were aiming?

4 A. Yes, sir.

5 Q. And do you recall whether it was the left buttocks
6 or the right buttocks that was struck?

7 A. It was the right side, left side of the right
8 buttocks, and the bullet traveled from the left to the right
9 of the buttocks. So it entered from the left side of the
10 right buttocks upper buttocks if that's makes sense.

11 And I'm no doctor or coroner, but that's what the
12 report states.

13 Q. Okay. And do you recall whether that bullet exited
14 the body or stayed in the body?

15 A. I did extensive medical blood sweeps on Llamas, and
16 I never saw any exit wounds from that entry wound.

17 Q. Do you recall -- you might not know this, but do you
18 know whether the buttock shot was fatal or not?

19 A. No idea, sir. I would assume the --

20 MR. RAMIREZ: You've already answered.

21 BY MR. GALIPO:

22 Q. Yeah. If you don't know, it's okay.

23 Sometimes the report indicate that, and that's all
24 right. I realize that's not your specific area of expertise.

25 You mentioned that there was a left-to-right

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1 was looking at all the vehicles trying to get -- point them
2 at every car passing, trying to inside of those cars.

3 And then once the car stopped and they were too far
4 away from him to get to, he started orienting his body
5 towards the left swinging his gun in the same motion towards
6 honestly that Llamas did towards my direction, and I engaged
7 one that day on the 215, which three shots.

8 Q. Do you know if that person survived or not?

9 A. Initially, he did, but he died later at the
10 hospital.

11 Q. And your other shooting you were involved in, do you
12 know if that person survived?

13 A. He did not. And I was not the only shooter in
14 that.

15 Q. So the 215 you were the only shooter, but the other
16 call there were multiple shooters?

17 A. That's incorrect. There was a second shooter on the
18 215, but I was one of the shooters.

19 Q. Okay. Thank you.

20 A. Yes, sir.

21 Q. Shortly after the second volley of shots, did
22 Lieutenant Walsh say something to the effect, you know, "Stop
23 shooting" or "Why are you shooting?"

24 A. I don't really recall. And looking at the video
25 evidence, I can't really make out what he said at the time.

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1 I just heard him say my name. He was my sergeant
2 prior to him being our lieutenant. So him and I had a very
3 extensive working background, and I knew exactly what -- when
4 his tone, certain words he can put tones on. I know that he
5 means something, and I just heard my name Jimmie with the
6 tone he said, and that was him probably -- I don't know --

7 MR. RAMIREZ: You've answered --

8 THE WITNESS: I'm assuming. So yeah, I just heard
9 him say my name Jimmie. I think he said some more, but I
10 don't know what it was. Sorry.

11 BY MR. GALIPO:

12 Q. That's okay. Because in your statement at some
13 point you say, "I engaged I think four more rounds, I aimed
14 at his head. I remember Walsh saying my name almost like why
15 are shooting."

16 Is that what you said --

17 A. At the time that was my assumption.

18 Q. Okay. That was your impression at the time?

19 A. At that moment in time I assumed, and that's when my
20 response was, "He's pointing a gun at us, the gun is -- he
21 had a gun in his hand, it's pointing at us."

22 Q. Okay --

23 A. At that point I realized they could not see what I
24 could see.

25 Q. Now, prior to shooting Mr. Llamas, did you have any

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1 in custody with no force, no damage, no injures to deputies,
2 suspects, civilians. That's always our goal.

3 Q. And in terms of your deadly force training, are you
4 essentially trained that deadly force should only be used if
5 there is an immediate or imminent threat of serious bodily
6 injury?

7 A. That's correct.

8 Q. And obviously, the training would be generally
9 speaking if there is not an immediate or imminent threat of
10 death or serious bodily injury, then deadly force should not
11 be used?

12 A. That's correct.

13 Q. I think you told me earlier that based on the
14 training, the person has to have the opportunity, ability,
15 and apparent intent to immediately cause death or serious
16 bodily injury?

17 A. That's correct, sir.

18 Q. And I think we also discussed that a weapon in
19 someone's hand like a firearm, that fact alone is not enough;
20 there needs to be more than that; is that fair?

21 A. That's incorrect. If you recall, I talked about
22 that suicidal subject that I have been on a few calls like
23 that. So yes, a 100 percent.

24 Q. Did you think --

25 A. You can't shoot someone in that situation.

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1 Q. Did you think Mr. Llamas was potentially suicidal
2 when he was running with the gun to his head?

3 A. I did not, sir.

4 Q. And you're trained that you're responsible to
5 justify each shot; is that fair?

6 A. Every shot, sir.

7 Q. Okay. We're going to just look quickly at I think
8 the video footage from the helicopter, and we're going to
9 mark it I think as Exhibit 3 going in order.

10 MR. GALIPO: Is that right, Shannon?

11 We had Exhibit 1 and 2 with the sergeant's
12 deposition, so that's why we're going to mark it as 3.

13 (Exhibit 3 was marked for identification.)

14 BY MR. GALIPO:

15 Q. I'm going to try to show a portion of it, and we'll
16 watch it through, and then I'll have Shannon stop it then we
17 might look at it again, and I might ask you a few questions
18 about it.

19 A. Sure.

20 Q. Okay. So before we start, we see a white figure in
21 the frame.

22 Is that supposed to be Mr. Llamas, if you know?

23 A. I can't answer that. I know there is a female from
24 what I viewed. I would have to see more of the video to give
25 you that answer, sir.

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1 away. So That was three hours, two to three hours worth of
2 announcements in English and Spanish. In hindsight Llamas
3 spoke English. So that wasn't an issue anyways, and there
4 were multiple announcements with his name, Johnny Llamas, we
5 know you're armed, we know you have a handgun, we need you to
6 come out with your hands up in the air and nothing in your
7 hands. So yes, he knew a 100 percent that police and
8 deputies, law enforcement was on-scene.

9 Q. Okay. Thank you for that. I was -- my question was
10 poor. I was trying to ask you during this time frame that he
11 came out during this approximate 60 seconds with the gun to
12 his head, whether he ever looked in your direction during
13 that time.

14 A. He did, yes, sir.

15 Q. So you had the impression he knew you were there
16 during that time?

17 A. He looked in my direction, and he looked to the east
18 where there were other deputies stationed further down, and
19 you could see him look at them, and turn the other way.

20 So he knew a 100 percent that law enforcement was
21 on-scene on River Road.

22 Q. And during this approximate 60 seconds, I guess up
23 to two minutes that you observed him at this point with the
24 gun to his head, did he ever at any time during that time
25 frame point the gun at you or any of the officers?

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1 CERTIFICATE
2 OF
3 CERTIFIED STENOGRAPHIC SHORTHAND REPORTER
4

5 I, JINNA GRACE KIM, CSR No. 14151, a Certified
6 Stenographic Shorthand Reporter of the State of California,
7 do hereby certify:

8 That the foregoing proceedings were taken before me
9 at the time and place herein set forth;

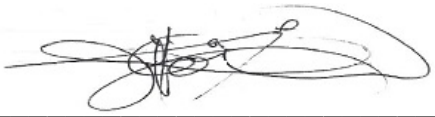
10 That any witnesses in the foregoing proceedings,
11 prior to testifying, were placed under oath;

12 That a verbatim record of the proceedings was made
13 by me, using machine shorthand, which was thereafter
14 transcribed under my direction;

15 Further, that the foregoing is an accurate
16 transcription thereof.

17 I further certify that I am neither financially
18 interested in the action, nor a relative or employee of any
19 attorney of any of the parties.

20
21 IN WITNESS WHEREOF, I have subscribed my name, this
22 date: December 20, 2024.

23
24 
25 Jinna Grace Kim, CSR No. 14151